

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43847-2022

Date of Decision: 08.12.2022

GURMAIL SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Janak Singh Bhinder, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. A.S.Dhindsa, Advocate for

Mr. Sukhpreet Singh, Advocate , for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash FIR No. 60 dated 02.05.2016 under Sections 354-A, 294, 354-D and 506 IPC registered at Police Station Chhajli, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 27.04.2016, respondent No.2 aged about 35 years, was present at her flour mill, the petitioner arrived at the spot and outraged her modesty.

On 23.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 23.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sunam has sent the report and the relevant portion whereof is reproduced here-in-below:-

“ As per the record available with the court of undersigned and as per the statement of the complainant and the Investigating Officer, there is

only one accused namely Gurmail Singh aged about 45 years son of Sukhdev Singh, resident of village Chhahar, Tehsil Sunam, District Sangrur, in the present case and nor he has been declared as proclaimed offender in the present case at any stage of trial. On the basis of statements given by the complainant and accused, this Court is of the considered view that compromise between the parties is genuine, voluntary and out of free will and is effected without any pressure, coercion or undue influence from any quarter. As per the statements given by the accused namely Gurmail Singh aged about 45 years son of Sukhdev Singh, resident of village Chhahar, Tehsil Sunam, District Sangrur and Investigating Officer ASI Kuldeep Singh no.2450/SGR, accused is not involved in any other case, except the present case. As per the statement given by Investigating Officer ASI Kuldeep Singh, there is one complainant/victim namely Sinderpal Kaur wife of Pargat Singh, resident of village Chhahar, Tehsil Sunam, District Sangrur, in the present FIR. ”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties with the intervention of the respectables in terms of the Panchayati Compromise (Annexure P-2). Both the parties are the residents of same village and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit

case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute of the co-villagers has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 60 dated 02.05.2016 under Sections 354-A, 294, 354-D and 506 IPC registered at Police Station Chhajli, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

08.12.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No